

CF 1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.WRIT PETITION NO. 2704 / 2003PETITIONER

Banwari Lal Sahu, S/o Shri Bhandari Ram Sahu, aged about 45 years, occupation service, R/o Premnagar, Tahsil Surajpur, Distt. Surguja (C.G.)

P. R. No. 2542/03
Presented by Shri A.N. Pandey
dated 22.06.03

VERSUSRESPONDENTS

- 1) State of Chhattisgarh through Secretary, Ministry of Tribal (S.C. and S.T.) Development Department, D.K.S. Bhawan, Raipur (C.G.)
- 2) Upper Commissioner, Tribal Welfare and Education Department, Bilaspur (C.G.)
- 3) Astt. Commissioner Tribal Welfare Department, Distt. Surguja (C.G.)
- 4) Block Education Officer Premnagar, Distt. Surguja (C.G.)

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27/8/03
CLERK TO A.G. BILASPUR



WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA

आदेश पत्रक

मामला क्रमांक

W.P. 2704

सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	05.09.2003 Shri A.K. Shukla, counsel for the petitioner. Shri Ranbir Singh, Govt. Adv. for the State. Heard. By this petition the petitioner has challenged the transfer order dated 08.08.2003 by which the petitioner has been transferred from Sarguja District to Korea District. The main grievance of the petitioner is that on account of transfer from one District to another the seniority of the petitioner will be affected and second ground is that the petitioner is not keeping good health on account of the Jaundice and his two sons are also studying at Ambikapur. Therefore, his transfer order be quashed. I have heard the learned State counsel and learned counsel for the petitioner. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, in the ordinary circumstances it is presumed that the transfer orders are made ~~always~~ on administrative exigency. In this case the petitioner has completed five years at one place and in normal circumstances it cannot be said that the transfer of the petitioner is against any guideline but only one point which requires consideration of the concerned authority is that if the seniority of the petitioner is affected on account of the transfer in any district then the concerned authority before making the transfer should have taken into consideration all these factors.	

आदेश पत्रक

मामला क्रमांक

WP 2704

सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Looking to above circumstances the petitioner is allowed to make a representation within a period of ten days from today. The respondent no.1 is directed to consider and decide the same in an objective manner by passing an appropriate order within a period of thirty days from the date of receipt of the representation. In the meanwhile, if the petitioner has not yet been relieved then he shall not be relieved till the representation is decided by the respondent no.2. Certified copy as per Rules	Sd/- L.C.BHADOO Judge

Rushant-

[पीछे देखिये]

10/09/03